

Appln. No. 09/868,497  
Amendment dated December 28, 2004  
Reply to Office Action of October 8, 2004

**REMARKS/ARGUMENTS**

Reconsideration of the present application, as amended, is respectfully requested.

The October 8, 2004 Office Action and the Examiner's comments have been carefully considered. In response, and specification and claims are amended and remarks are set forth below in a sincere effort to place the present application in form for allowance. The amendments are supported by the application as originally filed. Therefore, no new matter is added.

**INFORMATION DISCLOSURE STATEMENT**

In the Office Action, the Examiner objects to the Information Disclosure Statement as failing to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance of each patent listed that is not in the English language. In response, Applicants respectfully state that the foreign patent documents identified on the Form PTO-1449 were identified on the International Search Report, a copy of which was submitted with the June 18, 2001 Information Disclosure Statement. Applicants respectfully direct the Examiner to MPEP § 609 IIIA(3), wherein it is stated that where the information listed on the Information Disclosure Statement is not in the

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English language, but was cited in a Search Report or other action by a foreign patent office in a counterpart foreign application, the requirement for a concise explanation of relevance can be satisfied by submitting an English-language version of the Search Report or action which indicates the degree of relevance found by the foreign office. The MPEP further states that this may be an explanation of which portion of the reference is particularly relevant, to which claims it applies, or merely an "X" "Y" or "A" indication on the Search Report. In view of the submission of the Search Report with the June 18, 2001 Office Action, the requirement for a concise explanation of the relevance of each patent listed that is not in the English language has been met, and withdrawal of the Examiner's requirement is respectfully requested.

With regard to JP 3-2716 identified on the Form PTO-1449 dated June 18, 2001, this reference is not identified on the International Search Report. In order to provide the Examiner with an indication of the relevance of this reference, the following is a translation of the main claim of the Japanese publication:

A multi-frequency synthesized microwave signal generator comprising:

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a multi-frequency oscillating unit comprising a plurality of crystal oscillators that generate different low-frequency signals, respectively;

a hybrid circuit which synthesizes the low-frequency signals of the multi-frequency oscillating unit;

first frequency-conversion means for frequency-converting the synthesized signal in a microwave band;

second frequency-conversion means for frequency-converting again the frequency-converted output signal;

filter means for allowing a predetermined frequency of the frequency-converted output signal to transmit therethrough;

amplifying and attenuating means for controlling the filter output signal at a predetermined level; and

a central processing unit which varies the oscillation frequency of the oscillation frequency of the second frequency-conversion means and the transmitted frequency of the filter means.

On the copy of the June 18, 2001 Form PTO-1449 which was returned with the October 8, 2004 Office Action, the Examiner also crossed off the two items listed under "Other Documents" indicating that these references were not considered. It appears that these references were not considered by the Examiner because either an English translation was not provided, or a concise explanation of the relevance was not provided.

With regard to the two publications set forth under "Other Documents," Applicants respectfully state the following:

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Anritsu Technical No. 66 (September, 1993) "MG3670A - Development of Digital Modulator Signal Generator" and Anritsu Technical No. 74 (October, 1997) "Digital Modulation Signal Generator" (hereinafter referred to as documents) disclose a digital modulation signal generating apparatus 10 as the prior art shown in Fig. 11 of the present application. According to these documents, the digital modulation signal generating apparatus 10 generates a digital modulation signal to test a communications device or circuit handling a modulation digital signal generated by the OFDM modulation system. However, neither of these documents discloses the characteristic of the present invention, i.e., making the carrier leak characteristics of the digital modulation signal generated by the digital modulation signal generating apparatus compatible with the mutual modulation distortion characteristics at a high level (see the present application at page 2, line 1 to page 6, line 5).

In view of the foregoing, the Examiner is respectfully requested to consider the references identified on the June 18, 2001 Form PTO-1449 and make them of record in this application. It is respectfully requested that the Examiner return an initialed copy of the Form PTO-1449 dated June 18, 2001 with the

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next Patent Office communication to indicate that the references identified thereon have been considered and made of record.

#### ABSTRACT OF THE DISCLOSURE

In the Office Action, the Examiner objects to the Abstract of the Disclosure. In response, the Abstract of the Disclosure has been amended to address each of the Examiner's objections.

In view of the amendment of the Abstract of the Disclosure, reconsideration and withdrawal of the objection to the Abstract of the Disclosure are respectfully requested.

#### SPECIFICATION

In the Office Action, the Examiner objects to certain informalities throughout the specification. In response, the section headings have been amended and the informalities identified by the Examiner have been addressed. In view of the amendment of the specification, reconsideration and withdrawal of the objection to the specification are respectfully requested.

The Examiner also mentions the absence of a reference to EP 1146707 A1 in the specification. In response, Applicants do not clearly understand the Examiner's reason for requesting that European Patent Application EP 1146707 be mentioned in the specification. If the Examiner maintains this requirement in the

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next Patent Office communication, the Examiner is respectfully requested to provide a clear indication as to why this reference should be made and where in the patent application the Examiner considers it to be appropriate to mention this European patent application.

#### CLAIM OBJECTIONS

In the Office Action, the Examiner objects to claims 1-3, 5-8, 10, 12 and 13 because of certain informalities. In response, claims 1 and 8 are amended to correct the informalities cited by the Examiner.

In view of the amendment of claims 1 and 8, reconsideration and withdrawal of the objection to claims 1-3, 5-8, 10, 12 and 13 are respectfully requested.

#### REJECTIONS UNDER 35 USC 112

In the Office Action, the Examiner rejects claims 4, 10, 11 and 14 are rejected as being indefinite. In response, claims 4, 10, 11 and 14 are amended in a sincere effort to overcome the indefiniteness rejection. In view of the amendment of claims 4, 10, 11 and 12, reconsideration and withdrawal of the rejection of claims 4, 10, 11 and 14 under the second paragraph of 35 USC 112 are respectfully requested.

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CLAIM AMENDMENTS

Claims 1-14 have also been amended to place the claims in better form for consideration by the Examiner and to be in better form for allowance. The further amendments to the claims are not related to the patentability of the claims.

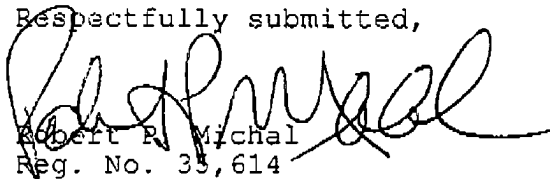
\* \* \* \* \*

Entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner disagrees with any of the foregoing, the Examiner is respectfully requested to point out where there is support for a contrary view.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,

  
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